



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,102	04/11/2005	Helmut Kunkel	KUNKEL1	2041
1444	7590	03/24/2008	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C.			DEANE JR, WILLIAM J	
624 NINTH STREET, NW				
SUITE 300			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20001-5303			2614	
			MAIL DATE	DELIVERY MODE
			03/24/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/507,102	KUNKEL, HELMUT	
	<b>Examiner</b>	<b>Art Unit</b>	
	William J. Deane	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 December 2007.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,511,112 (Szlam) in view of US 7,006,607 (Garcia) and further in view of U.S. Patent No. 6,542,602 (Elazar).

**As to claim 1,** Szlam teaches a method for operating a call center, wherein incoming external telephone calls are automatically distributed to terminals to be answered by call center agents, comprising the process steps:

- connecting of an external call to a free terminal of an agent (36 in fig. 3);
- storing a message an audio message by the agent (43 in fig. 3, col. 2 lines 55 – 58, and col. 8 lines 33 – 41 and 48 – 50)
- automatic assignment of the message to the existing connection (43 and 44 in fig. 3, col. 2 lines 55 – 67, and col. 8 lines 33 – 41 and 48 – 50)
- forwarding the call to a separate hold line (44 in fig. 3, Abstract, col. 2 lines 38 – 42, and col. 3 lines 45 – 48)
- renewed connection of the held call to a free terminal of an agent (col. 2 line 65 – 67 and col. 3 lines 22 – 28)

- playback of the message assigned to the hold connection (44 in fig. 2)

Szlam does not disclose expressly that the message stored concerns the content of the call between the caller and the agent and that the playback of the message is at the subsequent agent's terminal. However, Garcia discloses an apparatus in which an agent can record a message concerning the content of the call and the message can be played at the subsequent agent's terminal (col. 3 lines 56 – 60 and lines 66 – 67, col. 8 lines 45 – 54, and col. 9 lines 53 – 64). Specifically, Garcia discloses an apparatus that enables “the agent to record, edit, and store messages.” A data repository stores these messages and the “system provides whispered information to agents about the callers, not audible to the callers, to aid the agents in dealing with calls.” For example, the message could state, “set this customer up as a new VIP account” or “offer this customer an additional 10% discount.” With respect to the idea that the message concerns the content between the caller and agent (note at least Col. 4, lines 36 – 46 of Elazar.

At the time of the invention it would have been obvious to one of ordinary skill in the art to provide comment recording ability in the system of Szlam in view of the teachings of Garcia/Elazar. The motivation for doing so would have been “to aid the agents in dealing with the calls” (col. 3 line 59 of Garcia) and thus provide a higher level of customer service. Moreover, such information would inform the agent of “customer importance and treatment.” For example, a VIP client should be provided a higher level of service than an ordinary caller. As discussed in Garcia, “there are

“limitless possibilities” (col. 9 line 61 of Garcia). In addition, the agent could be informed of comments or notes from previous communications with other agents.

**As to claim 2,** Szlam and Garcia both disclose that the stored message is an audio file played back acoustically (see col. 2 lines 56 – 57 of Szlam and col. 8 lines 45 – 53 of Garcia).

**As to claim 3,** Garcia teaches that the saved message is played back automatically prior to establishing the renewed connection to the terminal (col. 8 lines 45 – 53 and col. 9 lines 53 – 64 of Garcia).

**As to claim 4,** Szlam teaches that the separate hold line is connected to an interactive voice response, so that the renewed connection to a terminal can be initialized by the external caller (45 in fig. 3 and col. 3 lines 45 – 48 of Szlam).

**As to claim 5,** Szlam teaches that the external call is initially connected to a first terminal of a first agent, and that the held connection is transferred from the hold line to a second terminal of a second agent (col. 2 line 67 – col. 3 line 2 and col. 3 lines 18 – 27 of Szlam).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

17Mar2008

/William J Deane/

Primary Examiner, Art Unit 2614